

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: ROBERT ANDRE,
ALAIN PORTE and HERVE BATARD

Application No. 09/914,181

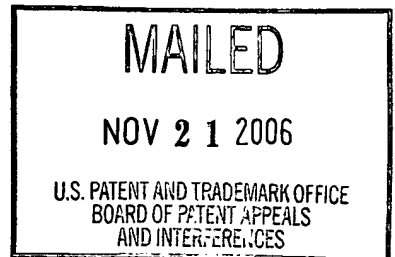
ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on October 19, 2006. A review of the application has revealed that the application is not ready for review and consideration. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER

Appeals Conference

On June 8, 2006, an Examiner's Answer was mailed. A review of the Examiner's Answer reveals that it is not in compliance with the appeals conference requirement as set forth in the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., rev. 1, Feb. 2003). At least the signature page (19) is missing from the electronic file copy.



According to MPEP § 1208:

The participants of the appeal conference should include (1) the examiner charged with preparation of the examiner's answer, (2) a supervisory patent examiner (SPE), and (3) another examiner, known as a conferee, having sufficient experience to be of assistance in the consideration of the merits of the issues on appeal.

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the type or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

The Examiner's Answer as it appears in the IFW was not signed or initialed by any of the appeals conference participants. Appropriate correction is required for compliance with MPEP § 1208.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the examiner:

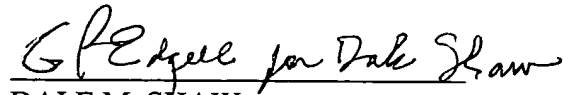
- 1) to have the missing page(s) of the Examiner's Answer scanned into the IFW;
- 2) if appropriate, to obtain the required signatures on the Examiner's Answer;

and

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3) for such further action as may be appropriate.

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A handwritten signature in cursive script, reading "G F Edgell for Dale Shaw", written over a horizontal line.

DALE M. SHAW

Deputy Chief Appeals Administrator
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DMS/dpv

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